

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 237A.12, the Department of Human Services amends Chapter 110, “Child Development Homes,” Iowa Administrative Code.

These amendments update administrative rules regarding a number of requirements pertaining to child development homes as follows:

These amendments update the minimum requirements for first-aid kits in child development homes.

These amendments modify administrative rules to allow tamper-resistant electrical outlets to be used in addition to safety caps.

Fire safety rules indicate that combustible materials must be kept away from heating elements. The fire marshal recommends a distance of three feet, and child care providers are held to the three-foot-distance requirement. These amendments adopt the three-foot-distance requirement.

Iowa Code section 237A.3A states, in part, that “[t]he rules shall require a child development home to be located in a single-family residence that is owned, rented, or leased by the person or, for dual registrations, at least one of the persons who is named on the child development home’s certificate of registration.” These amendments add the aforementioned provision.

Iowa Code section 237A.5(2)“i”(2) states, in part, that “[i]f within five years prior to the date of application for registration or license under this chapter, for employment or residence in a child care facility or child care home, or for receipt of public funding for providing child care, a person subject to an evaluation has been . . . found to have committed physical abuse, the person shall be prohibited from involvement with child care for a period of five years from the date of founded abuse.” The language of subparagraph 110.7(3)“f”(1) specifically includes “founded child abuse that was determined to be physical abuse” and does not include dependent adult abuse; therefore, the subparagraph is broadened to include dependent adult abuse by removing the word “child.”

Finally, these amendments rescind rule 441—110.13(237A) to remove an outdated exception that applied to providers renewing a previously issued registration on or after December 2002. This transition time period has been in effect for 12 years and is no longer valid or needed.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1863C** on February 4, 2015. The Department received no comments from the public during the public comment period. One change has been made to the amendments published under Notice of Intended Action. The word “disposable” has been added before “tweezers” in the last sentence of paragraph 110.5(1)“c” in Item 1.

The Council on Human Services adopted these amendments on March 11, 2015.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 237A.3A.

These amendments will become effective June 1, 2015.

The following amendments are adopted.

ITEM 1. Amend paragraph **110.5(1)“c”** as follows:

c. A first-aid kit shall be available and easily accessible whenever children are in the child development home, in the outdoor play area, in vehicles used to transport children, and on field trips. The kit shall be sufficient to address first aid related to minor injury or trauma and shall be stored in an area inaccessible to children. The kit shall, at a minimum, include adhesive bandages, antiseptic cleaning materials, disposable tweezers, and disposable plastic gloves.

ITEM 2. Amend paragraph **110.5(1)“e”** as follows:

e. Electrical wiring shall be maintained, ~~with~~ and all accessible electrical outlets shall be tamper-resistant outlets or shall be safely capped and electrical. Electrical cords shall be properly used.

Improper use includes running cords under rugs, over hooks, through door openings, or other use that has been known to be hazardous.

ITEM 3. Amend paragraph **110.5(1)“f”** as follows:

f. Combustible materials shall be kept a minimum of three feet away from furnaces, stoves, water heaters, and gas dryers.

ITEM 4. Adopt the following **new** paragraph **110.5(1)“y”**:

y. The child development home shall be located in a single-family residence that is owned, rented, or leased by the person or, for dual registrations, at least one of the persons who is named on the child development home’s certificate of registration.

ITEM 5. Amend subparagraph **110.7(3)“f”(1)** as follows:

(1) A person with the following conviction or founded abuse report is prohibited from involvement with child care for five years from the date of the conviction or founded abuse report:

1. Conviction of a controlled substance offense under Iowa Code chapter 124.
2. Founded ~~child~~ abuse that was determined to be physical abuse.

ITEM 6. Rescind and reserve rule **441—110.13(237A)**.

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